

Appendix A

Planning Committee Process and Procedure

1. Introduction

This guide is intended to assist members of the public in understanding the Planning Committee processes and procedures.

Under the Local Government Act 2000 the Council is required to establish committees to undertake non-executive functions. Most planning matters are not executive functions and under the law they cannot be discharged by Cabinet. The Planning Committee deals with planning and listed building applications and enforcement cases which fall outside of the agreed officer delegation scheme. Such applications generally are the more major and controversial schemes where consideration by committee is necessary.

2. Composition of the Committee

The committee comprises a total of ~~47~~¹⁵ elected Chesterfield Borough councillors. Membership is split to reflect the political division of the Council. The quorum of the committee is three members. All members and officers present will display a name plaque directed toward the public gallery and each member and officer present will introduce themselves to those members of the public in attendance. All members of the committee will have received training on planning matters and on the Planning Code of Conduct. Training for committee members is ongoing and a record of member training is kept.

3. Committee Meetings – When and Where?

Planning Committee meets every three weeks on a Monday afternoon starting at 15:00. The meetings take place in the Town Hall and are preceded by site visits where appropriate. On some occasions it is necessary to hold the committee meeting in a larger venue. Planning Committee agendas will be available five clear working days prior to the meeting in line with legal requirements. The dates of Planning Committee meetings together with past agendas and minutes are available on the Councils website at www.chesterfield.gov.uk. The report can be found under Council Services tab – Your Council – Committees, meetings and decisions.

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4. How the committee Meeting is conducted

Who chairs the meeting?

The meeting will be chaired by the Chair of Planning Committee unless he or she has declared an interest in an item or is absent. In those cases the appointed Vice Chair will preside. The order of business for the meeting may be changed at the discretion of the Chair for the convenience of the public in attendance or who wish to participate.

Who may attend?

The public may attend all meetings of the committee except when exempt or confidential information is being considered. In those cases the press and public are excluded. The public are allowed to listen to the debate about each

application and hear the decision that is made. In certain circumstances the public can speak at the committee meeting however they must have arranged this first with the planning officer before the meeting. More information on speaking at planning committee is included in a separate guidance leaflet, "my view, my voice". Apart from this the public are not permitted to take part in the meeting.

What does the Committee do?

The meeting will consider the following agenda items:

- Declarations of personal or prejudicial interest – Members and Officers
- Consideration of the minutes of the previous meeting
- Making decisions on planning applications
- An appeals report
- The delegation report
- An enforcement report
- Consideration of any further matters within the committees Terms of Reference
- Any Late items
- Any exempt or confidential matters

How is Business Dealt With?

The chairperson will announce each item. There is normally a comprehensive written report, which is available five working days before the meeting. Members of the committee will have read each report before the meeting takes place and they will have had the opportunity to look at the case file and the plans and supporting information during the preceeding week. Relevant drawings are displayed on the screen boards in the committee room during the consideration of each item~~however this is likely to be replaced with power point type presentations in the near future~~. The committee will have visited some of the sites. The planning officer will present a summary of the report, which is followed by any public speaking, which has been arranged, and questioning of those addressing the meeting in accord with the separate public speaking protocol. The applicant will usually speak last in the order of speakers. The chairperson will then ask committee members for any questions for officers, which is followed by a debate on the item, by councillors resulting in a mover and seconder for a particular recommendation. Any councillors not present for the complete presentation and debate will not be able to vote on the recommendation.

Committee members will ensure that they do not disrupt the decision process through discussion between themselves and by ensuring mobile phones are turned off. This will ensure that the committee process is viewed as a professional and transparent service.

It is usual practice for the committee to bring forward to an earlier part of the meeting those applications where notice has been given that applicants and objectors wish to speak or where members of the public have come to hear the debate. The Committee Clerk will ask all those present which item they are in attendance for prior to the start of the meeting.

Although the committee will try and deal with applications which the public are interested in as soon as possible, often the agendas can be quite long and the committee may want to enter into detailed discussion and debate over particular cases. This means that the public may have to wait for some time however in notifying interested parties of the intention to report applications to particular committees, estimated times of consideration of the proposal will be given where possible so that delayed attendance for later items can be arranged.

Where appropriate a comfort break will be taken generally after 2 hours at the discretion of the committee chair.

Speaking at Committee

Addressing the committee by applicants and members of the public will be permitted in line with the separate speaking at committee protocol.

What is the basis for a decision?

Decisions must be based on planning issues for example:

- Central Government, Regional or Local plan Policy
- Highway safety
- Landscape Impact
- Local amenity, noise, privacy
- Case Law and previous decisions
- Conservation of Buildings, trees etc
- Appearance

The following examples are not normally planning issues:

- Affect on Property Values
- Ownership disputes
- Business Competition
- Moral considerations
- Restrictive covenants
- Personal circumstances
- Matters controlled by other legislation (eg licensing)

Even if many objections are received to an application, permission cannot be refused without good planning reasons. A retrospective application submitted after work has been carried out has to be determined like any other application on its own individual planning merits.

5. Voting

All members of committee are entitled to vote and the chair of the meeting has the casting vote should the voting be equal. Decisions are made on the basis of a simple majority of votes cast. Voting will be by show of hands following a mover and seconder of a recommendation.

What decisions can the Committee make?

- Approve the application: Usually this will be subject to planning conditions, which must be reasonable and relate to the development

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proposed. Sometimes planning policy or other reasons to resolve issues with the application mean that a legal agreement will be required. These are called 'Section 106 Agreements' or 'Planning Agreements' and will be required when a developer is required, for example, to pay a contribution for % for Art-play or affordable housing provision.

- Refuse: Sound planning reasons must be given which the authority have to substantiate if the decision is challenged on appeal. The applicant has a period of 6 months to lodge any appeal to the Secretary of State (8 weeks for signage, householder and minor commercial).
- Defer: If members feel that they do not have enough information before them to make a decision or they consider a site visit is required, they may defer the application to a subsequent meeting.

The agenda for the meeting consists of reports written by Council Planning Officers recommending a particular decision. Planning Committee members may vary or overturn the recommendations against the planning officer advice however sound planning reasons have to be given at the meeting for deviating from the report recommendations.

6. Recording of Decisions

Minutes of the meeting will be taken indicating any reasoning and changes to the recommendations. The minutes will be posted on the Councils website within 7 working days of the meeting.

7. What if you don't like the decision?

The applicant may appeal to the Secretary of State against a refusal or the imposition of a condition.

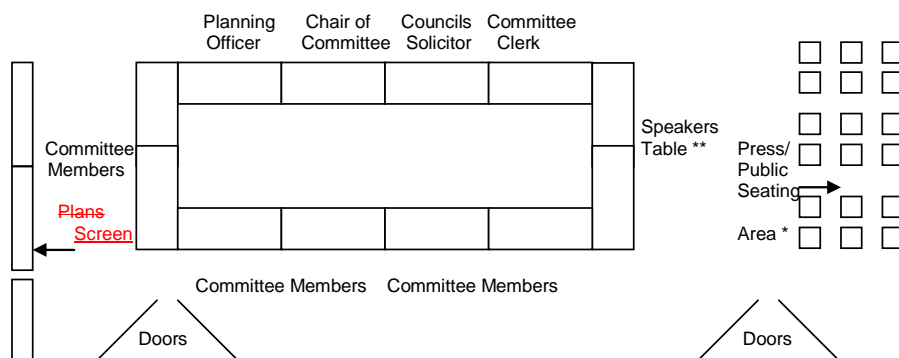
A third party, such as a neighbour, has no right of appeal but the following actions are possible:

Complaint under the Councils Complaints Procedure;

Complaint to the Local Government ombudsman about the way the application has been handled but not about the decision taken;

a legal challenge to the decision ('judicial review') in the High Court.

Layout of committee room 1



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* Seats are taken on a first come first served basis and availability cannot be guaranteed however sufficient chairs will be provided where possible.

** If you are going to address the committee, the chairperson will call your name at the appropriate time and invite you to sit at the speakers' table

This leaflet is provided by the Planning Service to help members of the public understand the workings of Planning Committee. It is not an authoritative statement of the law. Any further questions should be put to staff in attendance at the meeting before the meeting begins.